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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ISAAC PALI KONA, JR.,

14 Defendant.

CASE NO. CR03-292P

PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATION OF
SUPERVISED RELEASE

15 INTRODUCTION

16 I conducted a hearing on an alleged violation of supervised release in this case on
17 December 1, 2006. The United States was represented by Susan Roe, and defendant was
18 represented by Peter Mazzone. The proceedings were recorded on cassette tape.
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20 CONVICTION AND SENTENCE

21 Defendant was originally convicted of unlawful possession of a firearm. The Hon.
22 Marsha J. Pechman of this court sentenced defendant on March 17, 2004 to 21 months of
23 imprisonment, followed by two years of supervised release.
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1 PRIOR VIOLATIONS AND REVOCATION

2 On August 17, 2006, Judge Pechman revoked defendant's supervised release, based
3 upon his admissions of three violations of conditions: consuming marijuana on two different
4 dates in June of 2006, and failing to report to the probation officer as instructed in July of
5 2006. The court sentenced him to thirteen days in custody, with credit for time served,
6 followed by 23 months of supervised release.

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8 PRESENTLY ALLEGED VIOLATION AND
9 DEFENDANT'S ADMISSION OF THAT VIOLATION

10 In an application dated October 10, 2006, USPO Angela M. McGlynn alleged that
11 defendant again violated the conditions of supervised release by consuming marijuana on or
12 before September 6, 2006. At the hearing on December 1, 2006, the United States orally
13 amended the alleged violation to charge only that defendant submitted to a urinalysis test on
14 September 6, 2006 with a result which was positive for marijuana. Defendant admitted this
15 violation as amended, waived any hearing as to whether it had occurred, and consented to
16 having the matter set for a disposition hearing before Judge Pechman. Defendant did *not*
17 admit, however, that he had used marijuana.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release by submitting to a urinalysis test on September 6, 2006
21 with a result which was positive for marijuana. I further recommend that the court schedule a
22 disposition hearing.

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1 Defendant has been released on bond pending a final determination by the court.

2 DATED this 1st day of December, 2006.

3
4 /s/ John L. Weinberg
5 JOHN L. WEINBERG
6 United States Magistrate Judge
7

8 cc: Sentencing Judge : Hon. Marsha J. Pechman
9 Assistant U.S. Attorney : Susan Roe
10 Defense Attorney : Peter Mazzone
11 U. S. Probation Officer : Angela M. McGlynn
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